

Notice of Allowability

Application No.

10/825,766

Examiner

Keshia Gibson

Applicant(s)

BINDER ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/27/05.
2. ☒ The allowed claim(s) is/are 6, 7, 9-12, 14, 15 and 28-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20060317.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Bib Data Sheet.

klg 3/17/06

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because although the drawings permit examination, the quality of some figures make it require improvement for formal presentation of the disclosed invention. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for change in inventorship was given in applicant's petition in the correspondence filed 12/27/05.

Authorization for this examiner's amendment was given in a telephonic interview with Drew Wintringham on 3/17/06.

The application has been amended as follows:

- a. In view of the papers filed 12/27/05, the inventorship in this nonprovisional application has been changed by the deletion of William H. Kimball.

Art Unit: 3761

- b. In Claim 6, line 8:
“comprising” has been deleted and replaced with –wherein said carrier is--
- c. In Claim 6, line 10:
“capable of” has been deleted and replaced with –configured to have—
- d. In Claim 10, line 6:
“comprising” has been deleted and replaced with –wherein said carrier is--
- e. In Claim 10, line 8:
“capable of” has been deleted and replaced with –configured to have—
- f. In Claim 11, line 6:
“comprising” has been deleted and replaced with –wherein said carrier is--
- g. In Claim 11, line 8:
“capable of” has been deleted and replaced with –configured to have--

Reasons for Allowance

3. The following is an examiner’s statement of reasons for allowance:

A search of the prior art of record fails to disclose any references, which taken alone or in combination, teach or fairly suggest a method of applying a composite of silicone gel and loop material that is laminated so that the two layers stretch together and provide compressive therapy to the body without causing a breakdown in the laminate components.

The closest prior art of record is Pocknell (US 4,991,574), Docter (6,143,946), and Fabo (US 5,891,076 and US 5,340,363). Each reference teaches a composite

Art Unit: 3761

comprising a silicone gel. However, unlike the laminate of the claimed invention, the prior art composites fail to provide compressive support to a body part and/or fails to remain intact upon stretching of the wrap. Evidence of this was provided during a demonstration by the applicant during an interview held 11/27/05 in which prototypes of the prior art and the currently claimed invention were presented.

For these reasons, the currently claimed invention is considered to read over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Keshia Gibson
Examiner
Art Unit 3761

klg 3/1/06

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

